

In The Circuit Court of Jackson County Missouri  
Kansas City Division

MAY 07 2011

Quintero Community Association, Inc.  
*et al*

Plaintiffs,

CIRCUIT COURT OF JACKSON CO., MO  
BY *Elmer B.* DCA

v.

Hillcrest Bank *et al*

Case No. 1016-cv13693

*consolidated with*  
1116-cv01878

Div 18

Defendants.

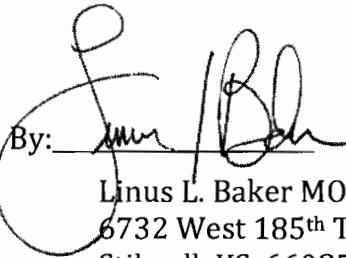
**Plaintiffs' Motion for Relief From Order to Substitute Parties**

The plaintiffs move this Court for Relief from the Order substituting the Federal Deposit Insurance Corporation (FDIC) for the defendant Hillcrest Bank pursuant to Rule 74.06(b). The FDIC is the Receiver of Hillcrest. The Order was entered on March 1, 2011. Good cause exists as follows:

1. The FDIC is the Receiver of Hillcrest. The order appointing the FDIC as Receiver has been in the record since January 4, 2011. Hillcrest Bank moved to substitute the FDIC based upon this receivership.
2. Hillcrest Bank's Motion to Substitute was made pursuant to Rule 52.13(c). Rule 52.13(c) requires that "Service of the motion shall be made as provided in subsection (a) of this Rule."
3. Service of Hillcrest Bank's motion to the FDIC was not made pursuant to subsection (a) of Rule 52.13 which requires that the motion and notice of hearing shall be served upon "persons not parties in the manner provided for the service of a summons"
4. The above deficiency in Hillcrest Bank's motion regarding service of its motion and

a notice of hearing renders the Order made by the Court irregular and void.

**WHEREFORE** the plaintiffs request that the Court vacate the Order substituting the Federal Deposit Insurance Corporation for the defendant Hillcrest Bank and for such other relief as the Court deems proper.

By: 

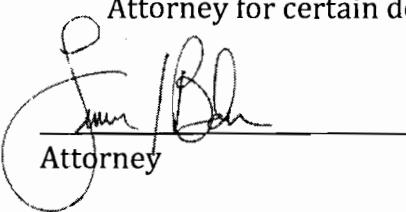
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